

EXHIBIT A

Bank of America

AUG 12 '19

Legal Department

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS**

Giovanni Arena,

Plaintiff,

v.

Bank of America Corporation,

Defendant.

Index Number: 026420

**STATEMENT OF SERVICE
BY MAIL**

To: Bank of America Corporation
100 N. Tryon Street
Charlotte, NC 28255

The enclosed summons and complaint are served pursuant to Section 312-a of the Civil Practice Law and Rules. To avoid being charged with the expense of service upon you, you must sign, date, and complete the acknowledgement part of this form and mail or deliver one copy of the completed form to the sender within thirty (30) days from the date you receive it. You should keep a copy for your records or your attorney. If you wish to consult an attorney, you should do so as soon as possible before the thirty (30) days expire.


If you do not complete and return the form to the sender within thirty (30) days, you (or the party on whose behalf you are being served) will be required to pay expenses incurred in serving the summons and complaint in any other manner permitted by law, and the cost of such service as permitted by law will be entered as a judgment against you.

If you have received a complaint with this statement, the return of this statement and acknowledgement does not relieve you of the necessity to answer the complaint. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate

under your signature your authority. It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgement

Date: August 1, 2019

A handwritten signature in black ink, appearing to be 'H. Rahman', written over a horizontal line.

Hashim Rahman, Esq.
Rahman Legal
43 W. 43rd Street, Ste. 204
New York, NY 10036
hrahman@rahmanlegal.com
Tel. (212) 804-5761
Fax. (212) 954-5391

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS**

Giovanni Arena,

Plaintiff,

v.

Bank of America Corporation,

Defendant.

Index Number: _____

**ACKNOWLEDGEMENT OF RECEIPT
OF SUMMONS AND COMPLAINT**

I received a summons and complaint in the above-captioned matter at the following address:

PLEASE CHECK ONE OF THE FOLLOWING; IF ITEM 2 IS CHECKED, COMPLETE AS INDICATED:

1. ☐ / ☐ / I am not in military service.
2. ☐ / ☐ / I am in military service, and my rank and branch of service are as follows:
Rank: _____ Branch of Service: _____

TO BE COMPLETED REGARDLESS OF MILITARY STATUS:

I affirm the above as true under penalty of perjury:

Signature

Print Name

Date this Acknowledgment is executed

Position with Defendant for which
acting (i.e. officer, attorney, etc.)

**PLEASE COMPLETE ALL BLANKS INCLUDING DATES. FOR YOUR CONVENIENCE, A SELF ADDRESSED
STAMPED ENVELOPE IS ENCLOSED.**

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**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS**

-----X
Giovanni Arena,

026420

Index No.: _____

SUMMONS

Plaintiff,
- against -

Plaintiff's Residence:
22-15 Harman Street
Ridgewood, NY 11385

Bank of America Corporation,

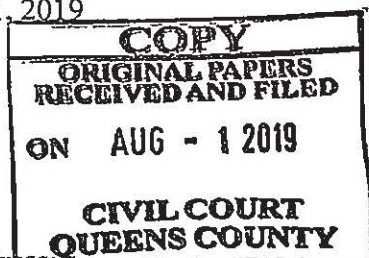
Defendant.


The basis of venue
Plaintiff's residence as per
NYC Civil Court Act § 301(a)

-----X
To Bank of America Corporation:

YOU ARE HEREBY SUMMONED to appear in the Civil Court of New York, County of Queens, located in the City and State of New York, at 89-17 Sutphin Boulevard, Jamaica, NY, 11435, within the time provided by law as noted below and to file your answer to the annexed complaint with the clerk of the court. Upon your failure to answer, judgment will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: August 1, 2019




Hashim Rahman, Esq.
Rahman Legal
43 W. 43rd St., NY, NY 10036
Tel. 212-804-5761
Attorney for Plaintiff

Defendant's Address:

Bank of America Corporation, 100 N. Tryon Street, Charlotte, NC 28202

NOTE: The law provides that (a) if this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) if this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after the proof of service thereof is filed with the clerk of the court within which to appear and answer. Where a defendant appears by an attorney, a copy of such defendant's answer shall be served upon the plaintiff's attorney, or upon the plaintiff if the plaintiff appears in person, at or before the time of filing the original answer with proof of service thereof.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

-----X
Giovanni Arena,

Plaintiff,

- against -

Index No.: 026420

COMPLAINT

Bank of America Corporation,

Defendant.
-----X

Plaintiff Giovanni Arena, by and through the undersigned counsel, states as follows:

1. The Plaintiff seeks redress for the Defendant's violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, *et seq.*, and the Defendant's intentional infliction of emotional distress during its efforts to collect a financial obligation from the Plaintiff.

JURISDICTION AND VENUE

2. The Plaintiff seeks to recover damages in an amount not exceeding \$25,000, exclusive of costs and interest. These damages resulted from conduct that occurred during the specific time period described herein. As such, this Court has jurisdiction over the present action pursuant to Section 201 of the New York City Civil Court Act.

3. Pursuant to Section 301 of the New York City Civil Court Act, the proper venue for trial is in Queens County as the Plaintiff was residing in the said county at the commencement of this action.

THE PARTIES

4. The Plaintiff repeats and restates each of the allegations contained in the paragraphs above as if fully contained herein.

5. The Plaintiff is an adult individual residing in the State of New York, County of Queens. As per 47 U.S.C. § 227(b)(3), the Plaintiff is a “person” who was subject to the TCPA violations described herein.

6. Defendant Bank of America is a North Carolina-based business corporation with its principal executive office located at 100 North Tryon Street, Charlotte, NC, 28255.

FACTUAL ALLEGATIONS

7. The Plaintiff repeats and restates each of the allegations contained in the paragraphs above as if fully contained herein.

8. In May of 2018, the Defendant placed approximately fifty collection calls to a cellular telephone line owned by Plaintiff, upon information and belief.

9. The above-stated collection calls were placed through an automatic telephone dialing system (“ATDS”), upon information and belief. The Defendant’s ATDS had the capacity to dial, store, and produce numbers to be called using a random or sequential number generator. When the Plaintiff answered the calls, there would be a significant pause before he was connected with a person.

10. The aforementioned calls by the Defendant were incessant, continuous, and placed without the Plaintiff’s prior express consent.

11. Upon information and belief, the Defendant continued to call the Plaintiff even after he asked that the calls be stopped.

12. Furthermore, the described collection calls were so numerous and persistent they caused the Plaintiff severe anxiety and emotional distress. Upon information and belief, the Defendant intended to cause, or recklessly caused, the Plaintiff's emotional distress in order to force or pressure payments on a financial obligation.

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT

13. The Plaintiff repeats and restates each of the allegations contained in the paragraphs above as if fully contained herein.

14. Upon information and belief, the Defendant violated the TCPA using an ATDS to place numerous non-emergency calls to the cellular number of the Plaintiff without his prior express consent. *See* 47 U.S.C. § (b)(1)(A)(iii).

15. As shown by its repeated, persistent, and unyielding conduct, the Defendant's violations of the TCPA were willful and knowing. *Id.* § 227(b)(3).

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

16. The Plaintiff repeats and restates each of the allegations contained in the paragraphs above as if fully contained herein.

17. The Defendant engaged in extreme and outrageous conduct by calling the Plaintiff without consent on a frequent and incessant basis.

18. Upon information and belief, the Defendant's calls were intended to cause the Plaintiff severe emotional distress. This intent is shown by the abundance and persistence of the calls.

19. If the Defendant's calls were not made with intent, they were made with reckless disregard of the substantial probability that the conduct would cause the Plaintiff severe emotional distress, upon information and belief.

20. There is a causal connection between the Defendant's calls and the Plaintiff's severe emotional distress.

21. Pursuant to the foregoing conduct, the Defendant is liable for damages to the Plaintiff for its intentional infliction of emotional distress.

PRAYER FOR RELIEF

WHEREFORE the Plaintiff prays that a judgment be entered against the Defendant by

1. Awarding the Plaintiff the statutory damages in the amount of \$500 for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B),
2. Awarding the Plaintiff damages and costs for the Defendant's intentional infliction of emotional distress, and
3. Granting such other and further relief that the Court may deem just and proper.

Dated: August 1, 2019

Respectfully submitted.

By: 
Hashim Rahman, Esq.
Rahman Legal
43 West 43rd Street, Suite 201
New York, NY 10036
hrahman@rahmanlegal.com
Phone: (212) 804-5761
Fax: (212) 954-5391

RAHMAN LEGAL

CIVIL COURT OF THE CITY OF NEW YORK
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**SUMMONS
COMPLAINT**

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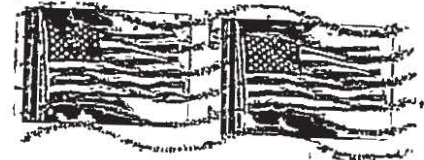
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RAHMAN LEGAL

43 WEST 43RD STREET, SUITE 204
NEW YORK, NY 10036

NEW YORK NY 10036

ONE AIR MAIL PER DAY



Bank of America

AUG 12 '19

NCI-027-20-05

Legal Department

Bank of America
100 North Tryon Street
Charlotte, NC 28255

Your mail has been delayed due to
an incorrect or missing mail code.
Please notify the sender of your
correct mail code.

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